

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Randy P. Hope, ) C/A No.: 0:15-2330-JFA-SVH  
                  )  
Plaintiff,      )  
                  )  
vs.               )  
                  )  
Rock Hill School District III; Rebecca    )  
B. Partlow; Michael Cox; and Al        )  
Leonard,          )  
                  )  
Defendants.      )  
                  )

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ORDER

This matter comes before the court on plaintiff's failure to effect service of the summons and complaint on the defendants. A review of the docket in this case reveals no evidence that plaintiff has effected service on defendants. The summons was issued on July 28, 2015, and it expired on November 30, 2015. [ECF No. 16]. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

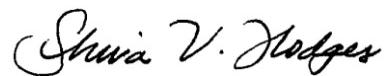
Fed. R. Civ. P. 4(m). On July 28, 2015, Plaintiff was advised that he is responsible for service of process under Fed. R. Civ. P. 4. [ECF No. 15].

On December 9, 2015, the undersigned issued an order notifying plaintiff that if he failed to show cause by December 22, 2015, for his failure to effect service of the summons and complaint on the defendants, this action would be recommended for dismissal without prejudice. [ECF No. 18]. Notwithstanding the order, plaintiff failed to

show cause or file proof of service to the court pursuant to Fed. R. Civ. P. 4(l). On December 23, 2015, the undersigned issued a report and recommendation recommending this case be dismissed for failure to comply with Fed. R. Civ. P. 4 and for failure to prosecute. [ECF No. 20]. In response, Plaintiff requested 10 days to effect service of process. [ECF No. 22]. On January 6, 2016, the Honorable Joseph F. Anderson, Jr., United States District Judge, granted Plaintiff until February 1, 2016, to effect service of process. [ECF No. 24]. Judge Anderson's order stated that no further extensions will be granted. *Id.*

To date, Plaintiff has not shown proof of service by February 1, 2016, to the court, as required by Fed. R. Civ. P. 4(l). Plaintiff is advised that if he fails to show proof of service to the court by February 17, 2016, the undersigned recommend this action be dismissed without prejudice for failure to comply with Fed. R. Civ. P. 4 and for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



February 3, 2016  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge